

Police Prosecutor Update

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In this issue, we will again look briefly at a few more new laws. All are effective July 1, 2006.

P.L. 173-2006 is a lengthy law, and we can look at only a few parts of it. It created the crime of trafficking with an inmate outside a facility, **IC 35-44-3-9.3**. It makes delivering contraband directly or indirectly to an inmate who is outside of a penal or juvenile facility a Class A misdemeanor. It is a Class D felony if the contraband is a controlled substance and a Class C felony if it is an item that can be used as a weapon. "Inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. It created three new related felonies. Makes it promotion of human trafficking, **IC 35-42-3.5-1(a)**, a Class B felony, for a person to recruit, harbor, or transport another person to: (1) engage the other person in forced labor or involuntary servitude; or (2) force the other person into marriage or prostitution. Makes it sexual trafficking of a minor, **IC 35-42-3.5-1(b)**, a Class A felony, for certain individuals to sell or transfer custody of a child less than 18 years of age for the purpose of prostitution. Makes it human trafficking, **IC 35-42-3.5-1(c)**, a Class C felony, for a person to pay for an individual whom the person knows has been forced into forced labor, involuntary servitude, or prostitution. The law also created crimes involving "sexually violent predators," **IC 35-42-4-10**, "offenders against children," **IC 35-42-4-11**, and lifetime parolees, **IC 35-44-3-13**. Finally, it includes within the definition of murder the killing of a human being while committing or attempting to commit human trafficking, promotion of human trafficking, or sexual trafficking of a minor.

P.L. 125-2006 amended **IC 35-43-5-3.5** (identity deception) to include the identifying information of a deceased person. Makes identity deception a Class C felony if a person unlawfully obtains the identifying information of more than 100 persons or if the fair market value of the fraud or harm caused is at least \$50,000. It also added **IC 35-43-5-4.3** to make possession of a card skimming device with the intent to commit identity deception or fraud is a Class D felony. It is a Class C felony if the device is possessed with the intent to commit terroristic deception (**IC 35-43-5-3.6**).

P.L. 140-2006 amended **IC 35-49-3-3** to make it a Class D felony to rent matter that is harmful to minors within 500 feet of a school or church.

P.L. 151-2006 amended **IC 35-46-6-2** to change the name of the crime from glue sniffing to "inhaling toxic vapors." It also expanded the list of prohibited substances to ingest or inhale to include amyl butrate, isobutyl nitrate, freon, chlorinated hydrocarbons, methylene chloride, hexane, ether, chloroform, or halothane, or any other chemical having the property of releasing toxic vapors.

P.L. 94-2006 amended **IC 34-24-1-1** to permit the forfeiture of a motor vehicle of a person who commits operating a motor vehicle while intoxicated or operating a motor vehicle with a suspended driver's license if the person has at least two prior unrelated convictions in the previous five years for operating while intoxicated. However, a motor vehicle that is not owned by the person or the spouse of the person who unlawfully operated it may not be seized unless the owner knew that the vehicle would be unlawfully operated.

P.L. 24-2006 provides that the laws relating to the use of passenger restraint systems for children do not apply to the operator of a motor vehicle used in a funeral procession, the return trip to the funeral home, or both the funeral procession and return trip, amending **IC 9-19-11-1**.